



PATENT
Docket No.: 265036600070

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Ryuzo Yanagimachi, et al.
Serial No. : 09/371,648
Filed : August 10, 1999
For : **MAMMALIAN TRANSGENESIS BY
INTRACYTOPLASMIC SPERM
INJECTION**
Group Art Unit : 1643
Examiner : Unknown

I hereby certify that this correspondence
is being deposited today with the United
States Postal Service as first class mail in
an envelope addressed to: Assistant
Commissioner for Patents Washington,
D.C. 20231

on January 28, 2000
By: Jacquie O'Brien

**PETITION FOR FILING BY OTHER THAN
ALL THE INVENTORS
UNDER 37 CFR § 1.47**

Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 CFR § 1.47 and MPEP § 409.03 (a) and (d), applicant Ryuzo Yanagimachi hereby petitions the Assistant Commissioner to accept the filing of this patent application on behalf of himself and the joint inventor, Anthony C.F. Perry, who refuses to join in the application for patent. The petition fee of \$130.00 under 37 CFR § 1.17(i) accompanies this petition.

As required by MPEP § 409.03(d), applicant encloses herein proof of the refusal of Dr. Perry to execute the application papers, in the form of a Declaration of Calvin P. Griffith to whom the refusal to sign was made. In the Declaration, Mr. Griffith states that a *bona fide* attempt was made to present a copy of the application papers to Dr. Perry, and that Dr. Perry's counsel

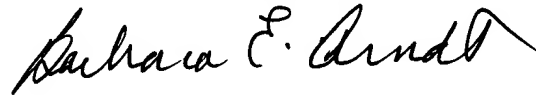
advised that he would not sign an inventor's oath or declaration for this application. The Declaration by Mr. Griffith is deemed by the applicant to be sufficient proof of the refusal of Dr. Perry to sign.

In accordance with MPEP § 409.03 (a) and (d), a Declaration signed by Dr. Yanagimachi with the signature block of Dr. Perry left blank is enclosed herein. The last known address of Dr. Perry is "c/o: Department of Anatomy and Reproductive Biology, University of Hawaii, Auxiliary Services 212, 1951 East-West Road, Honolulu 96822." The address of Dr. Perry's attorney is: Jeffrey Harris, Esq., Torkildson, Katz, Fonseca, Jaffe, Moore & Hetherington, 700 Bishop Street, 15th Floor, Honolulu, Hawaii 96813-4187.

The Assistant Commissioner is hereby authorized to charge any additional fees required by this petition to the Jones, Day, Reavis & Pogue Deposit Account #10-1202, reference 265036-600070.

Respectfully submitted,

JONES, DAY, REAVIS & POGUE



Barbara E. Arndt, Ph.D.
Reg. No. 37,768

North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7575